

Senate Daily Reader

Friday, March 02, 2001

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State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

457E0522

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1202** - 02/21/2001

Introduced by: Representative McCaulley and Senator Everist

1 FOR AN ACT ENTITLED, An Act to provide for the recovery of reasonable attorney's fees and
2 costs in actions for deceit.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 20-10-1 be amended to read as follows:

5 20-10-1. ~~One~~ Any person who willfully deceives another, with intent to induce ~~him~~ the other
6 to alter ~~his~~ the other's position to his or her injury or risk, is liable for any ~~damage which he~~
7 ~~thereby suffers~~ damages suffered by the other. The prevailing party may be awarded reasonable
8 attorney fees and costs which shall be charged as disbursements pursuant to § 15-6-54(d).

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

415E0771

SENATE EDUCATION COMMITTEE ENGROSSED NO.

HB 1258 - 02/27/2001

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Eccarius, Michels, and Peterson (Bill) and Senators Everist and Brown (Arnold)

1 FOR AN ACT ENTITLED, An Act to revise the distribution of state aid to education.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 13-13-10.1 be amended to read as follows:

4 13-13-10.1. Terms used in this chapter mean:

5 (1) "Average daily membership," the average number of resident and nonresident
6 kindergarten through twelfth grade pupils enrolled in all schools operated by the
7 school district during the previous regular school year, minus average number of
8 pupils for whom the district receives tuition, except pupils described in subdivision
9 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
10 average number of pupils for whom the district pays tuition;

11 (1A) Nonresident students who are in the care and custody of the Department of Social
12 Services, the Unified Judicial System, the Department of Corrections, or other state
13 agencies and are attending a public school may be included in the average daily
14 membership of the receiving district when enrolled in the receiving district. When

counting a student who meets these criteria in its general enrollment average daily membership, the receiving district may begin the enrollment on the first day of attendance. The district of residence prior to the custodial transfer may not include students who meet these criteria in its general enrollment average daily membership after the student ceases to attend school in the resident district;

(2) "Adjusted average daily membership," calculated as follows:

(a) For districts with an average daily membership of two hundred or less and a general fund balance percentage of forty-five percent or less, multiply 1.2 times the average daily membership;

(b) For districts with an average daily membership of less than six hundred, but greater than two hundred and a general fund balance percentage of forty-five percent or less, raise the average daily membership to the 0.8293 power and multiply the result times 2.98;

(c) For districts with an average daily membership of six hundred or more or a general fund balance percentage of more than forty-five percent, multiply 1.0 times their average daily membership;

(2A) "General fund balance percentage," is a school district's ending general fund unreserved fund balance less the additional revenue a school district has received from the imposition of the excess tax levy authorized by § 10-12-43 for the previous school fiscal year divided by the school district's total general fund expenditures for the previous school fiscal year, the quotient expressed as a percent;

(3) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately

preceding the year of adjustment or three percent, whichever is less;

(3A) "Enrollment adjustment," is one-half of the negative of the annual percent change in the statewide general enrollment average daily membership for the year before the year immediately preceding the year of adjustment. However, the enrollment adjustment may not be less than zero;

(4) "Per student allocation," for the period January 1, 1997, to June 30, 1997, inclusive, is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student allocation shall be \$3,350 increased by the index factor. Each school fiscal year thereafter, the per student allocation shall be the previous fiscal year's per student allocation increased by the index factor plus the enrollment adjustment;

(5) "Local need," the per student allocation multiplied by the adjusted average daily membership;

(6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by applying the levies established pursuant to § 10-12-42.

Section 2. That chapter 13-13 be amended by adding thereto a NEW SECTION to read as follows:

The secretary of the Department of Education and Cultural Affairs shall determine the reduction in state aid to education to school districts resulting from school districts having a general fund balance percentage greater than forty-five percent. The secretary of the Department of Education and Cultural Affairs shall distribute the amount of money so determined to school districts with a general fund balance percentage of twenty-five or less on a pro rata basis according to the school district's modified average daily membership where modified average daily membership is equal to the average daily membership for school districts with an average daily membership of six hundred or less and for school districts with an average daily

1 membership of more than six hundred is equal to six hundred plus one-half of the average daily
2 membership over six hundred.

3 Section 3. The enrollment adjustment shall apply only to the distribution of state aid to
4 education in fiscal year 2002.

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

712E0013

HOUSE APPROPRIATIONS COMMITTEE ENGROSSED

NO. **SB 14** - 02/27/2001

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brosz, Diedrich (Larry), Everist, Hutmacher, McIntyre, Munson, and Reedy and Representatives Juhnke, Brown (Richard), Heineman, and Pummel at the request of the Interim Education Committee

1 FOR AN ACT ENTITLED, An Act to amend the General Appropriations Act for fiscal year
2 2001.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That certain programs in chapter 14 of the 2000 Session Laws be amended to read
5 as follows:

6 DEPARTMENT OF HEALTH

7 Health Systems Development and Regulation

8 Operating Expenses, delete "\$45,555" and insert "\$145,555"

9 Health and Medical Services

10 Operating Expenses, delete "\$1,567,358" and insert "\$2,067,358"

11 DEPARTMENT OF HUMAN SERVICES

12 Rehabilitation Services

13 Operating Expenses, delete "\$479,160" and insert "\$1,479,160"

1 Adjust all totals accordingly.

2 Section 2. The fund source used to support the other fund expenditure authority appropriated
3 by this Act shall be the intergovernmental transfer fund established in § 28-6-33. Any expenditure
4 authority and cash appropriated by this Act which are unspent at the end of fiscal year 2001 shall
5 be carried over to fiscal year 2002.

6 Section 3. This Act is effective June 22, 2001.

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

273E0566

HOUSE ENGROSSED NO. **SB 149** - 02/21/2001

Introduced by: Senators Kleven, Albers, Bogue, Drake, and Vitter and Representatives Napoli, Brown (Jarvis), Derby, Hennies (Thomas), Klaudt, McCoy, Pederson (Gordon), Pummel, and Van Etten

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the housing of
2 prisoners from other jurisdictions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-3 be amended to read as follows:

5 24-11-3. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile
6 detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the
7 requirements of this chapter, every judicial or executive officer of the county who has the power
8 to order, sentence, or deliver any person to the county jail or juvenile detention facility may
9 order, sentence, or deliver such person to the jail or juvenile detention facility of any near or
10 adjoining state, Indian reservation, county, organized township, or municipality. The county from
11 which the prisoner was committed shall pay to the agency housing the prisoner all expenses of
12 keeping and maintaining the prisoner in the jail or juvenile detention facility, including the cost
13 of building depreciation, administration, and a reasonable charge for obsolescence of the facility
14 and all other tangible and intangible costs, ~~to the county.~~

State of South Dakota

SEVENTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2001

644E0640

HOUSE ENGROSSED NO. **SB 245** - 02/28/2001

Introduced by: Senators Brown (Arnold), Brosz, Daugaard, Drake, Ham, Hutmacher,
McCracken, Olson (Ed), and Sutton (Dan) and Representatives Heineman,
Pitts, and Smidt

1 FOR AN ACT ENTITLED, An Act to create a health care access and preservation trust fund

2 and to provide that earnings from the fund be used for certain health care purposes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-6-33 be amended to read as follows:

5 28-6-33. There is hereby established in the state treasury a fund known as the
6 ~~intergovernmental transfer~~ health care access and preservation trust fund. The fund shall include
7 revenue received from publicly owned and operated nursing facilities for remittance to the fund
8 under § 28-6-31. The department shall administer the fund and shall adopt procedures for
9 participation by publicly owned and operated nursing facilities. All moneys designated for the
10 fund from whatever source derived shall be deposited with the state treasurer in the
11 ~~intergovernmental transfer~~ health care access and preservation trust fund. The ~~amounts in the~~
12 ~~intergovernmental transfer~~ fund shall be invested pursuant to §§ 4-5-23 and 4-5-26 and the
13 earnings shall be deposited in the ~~intergovernmental transfer~~ health care access and preservation
14 interest fund.

1 Section 2. That chapter 28-6 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 The health care access and preservation interest fund is established in the state treasury. The
4 fund shall be invested according to §§ 4-5-23 and 4-5-26. The investment earnings of the fund
5 shall be credited to the fund. The money in the fund shall be appropriated by the Legislature to
6 fund health care related uses.

7 Section 3. That § 28-6-31 be amended to read as follows:

8 28-6-31. Each publicly owned and operated nursing facility participating under the provisions
9 of §§ 28-6-28 to 28-6-36, inclusive, immediately upon receiving a payment under § 28-6-30,
10 shall remit the amount of that payment, less a transaction fee, to the department for credit to:

11 (1) The ~~intergovernmental transfer~~ health care access and preservation trust fund in an
12 amount equal to the applicable federal medical assistance percentage times the total
13 remittance to the department, less the transaction fee; and

14 (2) The department's other funds for all remaining amounts.

15 Section 4. That § 28-6-35 be amended to read as follows:

16 28-6-35. The department may promulgate rules pursuant to chapter 1-26 for the
17 administration of §§ 28-6-28 to 28-6-36, inclusive. The rules may include criteria for
18 establishing, funding, and administering the pool, criteria for participation in the
19 intergovernmental transfer, penalties for failing to immediately remit the funds to the department,
20 criteria for the transfer of funds, the establishment of transaction fees, and other policies to
21 facilitate the administration of the ~~intergovernmental transfer~~ health care access and preservation
22 trust fund ~~or, the funding pool, and the health care access and preservation interest fund.~~

23 Section 5. That § 28-6-36 be amended to read as follows:

24 28-6-36. Sections 28-6-28 to ~~28-6-36~~ 28-6-35, inclusive, and section 2 of this Act do not

- 1 create an entitlement to any funds. The department may disburse funds to the extent funds are
- 2 available and, within its discretion, to the extent such appropriations are approved.